G. R. S. 58]

*Previous references.*

1892-3
~~191~~ .
(Murai)

File No. 113

Serial Nos.

*later references.*

See I.

# GENERAL AND REVENUE SECRETARIAT.

---

*Serial Nos.*

Part B for

---

SUBJECT.

Lakshmi Narayanaswami Temple at Serangapatam -
(Suspension of Amildar Lakshmi Narayana & Murai Jumadar Sivaramiah)

---

1893.

# GOVERNMENT OF MYSORE.

MUZARAYI.

PROCEEDINGS.

*Dated 10th January* 1893.

No. $\frac{313\text{-}42}{\text{Muz. F. } 115\text{-}92}$.

Directing that the Amildar Lakshminaranappa and the Muzarayi Gumasta Sivaramaiya, be suspended from office, in connection with a certain case relative to the temple of Lakshminarayanaswami at Seringapatam.

Mysore Govt C. Press, Bangalore—13-1-93—120.

*Proceedings of the Government of His Highness the Maharaja of Mysore, (Muzarayi),—dated 10th January 1893.*

READ :—

The following letter No. 854, dated 17th December 1892 from the Deputy Commissioner, Mysore District.

With reference to your Kanarese Yadi No. A, dated 4th September 1892, returning the papers relating to the temple of Lakshminarayanaswami built and endowed by the late Shroff Venkatanaraya Shetti in Seringapatam, and the management of which was handed over to Government by him, I have the honor to submit the whole Kanarese file and a detailed precis in English, for information of Government.

2. *The high handed and suspicious conduct of the Amildar Lakshminaranappa* and the frauds practised by the Muzarayi Gumasta Sivaramaiya will clearly appear from the said papers. The leading facts may however be briefly stated hereunder.

3. According to the deposition given by the said Venkatanarayana Shetti, not only were lands and debts valued at about Rs. 12,000 assigned by them to the temple, but it was in their contemplation to allot some additional funds also. Accordingly four documents for Rs. 3,300 taken in the name of the temple and a house in front of the said temple were assigned by the said Venkatarayana Shetti to the temple and handed over to the Deputy Amildar who had gone to take possession of the temple and the moveable property in it. This is admitted by the Muzarayi Gumasta himself, who, however denies that any list or deposition was prepared on the occasion. Prohibitory notices were thereupon issued to all the obligees and the occupant of the house. It must be noted here that by an order of the Sub-Division Officer, the Muzarayi work had been taken away from the Amildar and assigned to the Deputy Amildar. But the Deputy Amildar Krishne Urs, was sent away on promotion as Officiating Amildar, and the Muzarayi work was taken up by the Amildar. The latter Officer has taken it upon himself to return 3 of the documents and the house on the flimsy pretext that they were not mentioned in the original list. But these two loans having been made subsequent to Venkatanarayana Shetti's original petition and deposition in the Taluk, it was physically impossible to have mentioned them in that list or deposition. But that Venkatanarayana Shetti intended to augment the funds clearly appears from the said deposition, as already remarked.

4. The facts would not have come to notice at all but for the enquiries set on foot by the present Amildar when he received charge of the papers from Lakshminaranappa. As he doubted the competency of the latter to return documents deposited in the Treasury without orders of higher authority, he reported the fact to the Sub-Division Officer and the subsequent enquiries were set on foot.

5. It is clear that the Amildar was not competent to receive the management of a private charity, or to return the assets which he had so received without orders of higher authority. The matter had accordingly been reported to the Sub Division Officer, who sanctioned the taking over on behalf of Government, pending sanction of the step by the Government, and the Amildar had been directed to realize the assets without obtaining Sub-Division Officer's orders. He omitted even to make a distinct report on the point but simply allowed the receipt of Thippa Shetti to be filed with the records.

6. The Deputy Amildar and the son-in-law of the deceased Venkatanarayana Shetti distinctly depose that a list or kyfiet was prepared of the vessels, &c., of the temple and of the documents in question when they were given to the Deputy Amildar. These men were examined at different places and at different times without previous notice, and, as they are quite disinterested, their statements may be accepted as true. The Muzarayi Gumasta who is interested in suppressing facts, admits that Venkatanarayana Shetti gave these documents and house in addition to the former endowment and this gives support to the statements of the Deputy Amildar.

7. The reason given by the Amildar is that the documents and the house were not entered in the original list, while the plea put forward by Thippa Shetti, the adopted son, is that the funds intended to be allotted to the temple were only Rs. 12,000; that as documents for the whole amount had not been made out in the name of the temple, they had handed over to the Amildar their own lands and documents with the intention of taking them back after replacing them by other documents, that the documents for Rs. 3,250 were got executed in the name of the temple in pursuance of that intention, that his father had given them to the Deputy Amildar with a request for the return of documents in their name for like amount, but that he and Amildar failed to comply with his father's request. This is only an after thought as it is opposed to his statement before the Amildar when the documents and house were returned to him. It is also inconsistent with the statement of the deceased Venkatanarayana Shetti and himself before the Taluk Sheristadar that they would give additional funds. In the next place there was no necessity for Venkatnarayana Shetti giving the house and another document of Rs. 50 also. Besides it is unsupported by any evidence whatever and is contradicted by the evidence of the Deputy Amildar, Venkatanarayana Shetti's son-in-law and the statement of Sivaramaiya.

8. It is thus clear that Sivaramaiya has by himself, or with the knowledge and consent of the Amildar Lakshminaranappa, suppressed the petition and list or kyfiet prepared when the Deputy Amildar had gone to the temple to take charge of it.

*Proceedings of the Government of His Highness the Maharaja of Mysore, (Muzarai).—dated 10th January 1893.*

9 The Amildar has without authority of his superior Officer and without any reference to the Deputy Amildar who had received the documents and in spite of the remonstrance of the Taluk Sheristadar and of the Muzarayi Gumasta returned on his own responsibility documents worth Rs. 3 250 executed for the benefit of the temple, and house for all of which prohibitory notices had issued from the Taluk. There are ugly rumours in reference to this transaction, but I will not lay any stress on them, as they are mere rumours. But an old and experienced Officer like him cannot be believed to have returned such valuable securities without a dishonest motive. The surrounding circumstances in the case, the suppression of written list or kyfiet and the omission to report the fact immediately for the orders of the Sub-Division Officer can point to no other conclusion than that he was actuated in his conduct by a corrupt motive. Even if this be negatived, his conduct is high-handed and opposed to official pratice.

10 I would therefore recommend that the Muzarayi Gumasta be dismissed the service and that the Amildar be retired from the service or degraded In connection with this I would state that his administration of the Seringapatam Taluk was most lax and inefficient and the affairs of the Taluk are very much in confusion. As regards his behaviour as a magistrate I enclose an extract from the Proceedings of the Chief Court recently received. I have taken no written explanation from him as he had nothing to say for himself when personally called upon by the Sub-Division Officer and also by himself for an explanation. He merely said that he thought he was competent to return the securities and the house as they were not in the original list and that the Muzarayi *Gumasta or Sheristadar* did not warn him.

11. It is clear that the documents and the house clearly belong to the charities. I would recommend that the documents produced before me by Thippa Shetti may be appropriated to the temple and that he may be asked to refund the Rs. 1000 and interest he has collected and also the full price of the house. If he fail to comply with our demand, a suit will have to be filed for the recovery of the same, and Lakshmanappa, should be held ultimately responsible to any loss which the temple may suffer in the transaction.

---

No. 313-4½—Muz. F. 115-92, dated Bangalore, 10th January 1893.

Order thereon.—From the foregoing report of the Deputy Commissioner, it appears to Government that the conduct of both the Amildar Lakshimnaranappa and the Muzarayi Gumasta Sivaramaiya is, *prima facie*, fraudulent and dishonest. But pending further enquiry into their conduct, the Government direct that they be suspended from office forthwith. The Deputy Commissioner will obtain written explanations from them, in regard to the unauthorized return, to Thippa Shetti, of the documents and house referred to in the Deputy Commissioner's letter and the sudden disappearance, from the records, of the Petition and Statement of the deceased Venkatanarayana Shetti and submit the same to Government as early as possible.

2. The Government are pleased to accord their sanction to the Temple and its endowment being taken charge of by the Muzarayi Department. The Muzarayi Superintendent will issue detailed instructions for the due management of the affairs of the temple in accordance with the intentions of its generous founder, the deceased Venkatanarayana Shetti.

3. The Government also approve of the steps proposed to be taken by the Deputy Commissioner in para 11 of his letter. Thippa Shetti should be called upon to restore the house itself instead of paying its value.

A. SREENIVASACHARLU,
*Secretary.*

---

To—The Deputy Commissioner, Mysore District (returning the vernacular papers).
The Comptroller to the Government of Mysore.
The Chief Secretary for information.

MUZARAI.

(General Serial No. 30.)

1895.

*From*

*The Secretary to the Dewan of Mysore.*

*To* The Dy Comr Mysore.

*Dated* 12th

*Despatched* 13th April

*Received*

**Enclosures No.**

*General No.* 652

*Muzarai. F. No.* 115-92

Issuing instructions for the management of the affairs of the Lakshmi-Narayanaswamy temple built & endowed by Venkat-narayana chetti at Seringapatam.

Mysore Govt. C. Press, Bangalore.—12-1-93.—1,000.

No. 652 / Mur. 7. 115-92 Dt 12-4-93

From

The Superintendent of
Mysore, in Mysore.

To The Deputy Commissioner
Mysore District.

Sir,

With reference to
para 2 of Govt. Pro: No 313-4½
Mur. 7 115-92
dated 10th Jany 1893, direct-
-ing the issue of detailed
instructions in the Mysore
Department for the due
management of the affairs
of the Lakshminarayana
Swamy Temple built and
endowed by the late
Shroff Venkatanarayana
shetty at Sreerangapatam,
I have the honor to state
that the temple together
with its endowments be
placed under the
management of the
Amildar of

Srirangapatana treating it as one of the Mutwali Institutions under Govt. management.

2. In the conduct of the affairs of the temple, the intentions of its founder should be carried out as far as practicable. All the Mutwali Rules, Circulars and orders which are now in force shall be applicable to this temple also. Early measures shall be taken for the collection of all the outstanding debts due to the temple and for the proper cultivation of the lands belonging thereto, and the realization of the produce thereof in due time. The accounts of all receipts and disbursements should be

regularly kept and the monthly and annual Goshwara of such receipts and disbursements should be entered in the usual Returns submitted to Govt in the Muzrai Department. A list of all the jewels, vessels, articles and clothes belonging to the Temple shall be prepared in duplicate, one of which being kept in the Temple under the custody of the Archak and the other in the Taluk Cutcherry. It shall be the duty of the Amildar to see that the affairs of the Temple are properly managed and that no portion of the income thereof is misappropriated.

3. I request that you

will be so good as to Communicate all the above instructions in detail to the Amildar and direct him that they should be strictly attended to.

4. I have further to request that you will be good enough to report whether the Sum of Rs 1000/- reported to have been since collected by Tippa Setty, adopted son of Venkatanarayanasetty, has been refunded by him and whether he has restored to the Temple the house referred to in para 3 of the Govt Pro: ~~and~~ above cited and also to forward to this office for reference a statement shewing the particulars of the annual receipts and Expenditure of the temple.

I have &c.

Sd/ A

Munsiff Supdt

MUZARAYI OFFICE OF

(General Serial No. 30.) 442

MUZARAI BRANCH

1895 DIWAN OF MYSORE

From The Ch. Secretary

To The Inspector Superintendent

Dated 21

Despatched 22 April

Received 28

Enclosures No.

General No. 17401-2

Muzarayi. F. No. 435-92

Passing final order on the misconduct & the Amildar Lakshmi. narasappa in connection with the Lakshmi. Narayanaswami Temple Lands.

Proceedings of the Government of Mysore.

Read as above -

Proceedings No 313-42 dated 10th June
" 718-92
- ary 1893 forwarding the instructions issued by Office of
Commissioner Vaishnavamatavalamba and Guru pertaining
Dharmada in connection with a case relating to the
Temple of Vaishnavanambiyarasvami at Srirangapattana

Read also -

Letter No A, dated the 19th March 1893, from
the Deputy Commissioner, Mysore District, submitting
the explanations of the officials above named.

Order thereon No 17401-2
" 1435-92

Dated Bangalore 21st April 1893.

22

The Government have very carefully
considered the explanation submitted by Commissioner
Vaishnavamatavalamba regarding his conduct in return-
-ing to one Timma Shetty certain valuable Securities
which formed part of the endowment of Vaishnava-
matavalamba Swami, the Rama Devaru and Srinivasa
Devaru Temple at Srirangapattana, transmitted by the

late

[illegible] Chetty, and which were

[illegible] Salem Treasury.

[illegible] which are relevant

to the question of the Inamdars responsibility

[illegible]:—

2nd That Venkatarama Chetty erected a temple

at Seruga, a hallam, dedicated it to Lakshmanarayana-

swami, viz Venu Gopala and Srinivasa Devaru,

and set apart certain Funds for the due performance

& worship thereon.

3rd That October 1890, the said Venkatarama-

Chetty applied to the Inamdar of Seruga, hallam

that the said temple and the Funds set apart

for it should be taken under Government manage-

ment, "so that the charity founded by him might

not fail through the mismanagement &c of his heirs".

The Inamdar entertained this application and

Venkatarama Chetty promised to produce the docu-

ments relating to the endowment.

3rdly. Accordingly, Venkatarama Chetty, on 16th De-

cember 1890, produced at the Taluk Cutcherry 17

documents

documents with a list of them lying there.
These 17 documents and the list were duly
secured in the Talak Cearery. At the same
time (16th December 1890) a deposition was taken
from Venkatnaram Chetty, by the Talak Shereistada
and in this deposition he stated fully his wishes as
to how the temple should be managed by the Govern-
ment and how the proceeds of the endowment should
be applied. He also added that, should he thereafter
give more money or lands to the endowment, the
same should be dealt with in accordance with his
wishes in regard to the 17 documents already delivered.
This deposition was acquiesced by his adopted son
Tirpa Chetty.

4th. After this the matter was reported for
the orders of the Sub Division Officer at French
Rocks, and that Officer, by order of 23rd June 1891,
directed that the temple and its funds be taken
over and managed by the Government as desired
by Venkatnaram Chetty.

5th. Shortly after this the Deputy Amildar

proceeded

proceeded to the temple to take charge of it and then Subramaniam Pillay handed over to me Manual possession of the temple and its belongings in the shape of ornaments, utensils &c and at the same time gave also (by way of an addition to the endowment described in the deposition of 16 December 1890) 4 documents and a house. The documents then given were:—

(1) From Papanam Timmalisingam, dated 26 January 1891 for Rs 50/-,

(2) From Veena Subbiamma, dated 15 April 1891 for Rs 3000/-,

(3) From Kalyane Gowda, dated 20 March 1891 for Rs 250/-,

and (4) Indemnity bond from Thalve Gowda, dated 20 March 1891, for due repayment of Rs 250/- by Kalyane Gowda.

The recitals in every one of these documents was to the desired effect that the money secured by it belonged to the temple endowment.

The house handed over was in possession

of Annaji Nauyappa (Registration Inwards)
and Venkatnarain Chetty understood to be regarded
and used as a part of the temple property.

The Deputy Amildar who took charge of the
temple, its ornaments and utensils and the additional
endowment as above stated, says that he took a depo-
-sition from Venkatnarain Chetty on that occasion
and caused a proper list to be prepared of the items
of property of which he obtained possession. Both depo-
-sition and list are now not forthcoming and the
date of this proceeding is not therefore ascertainable.
It must have taken place after the date of the Sub
Division Officer's order of 23rd June 1891 and before
Venkatnarain Chetty's death on 6th November 1891.
The four additional documents above referred to
were all duly deposited in the Taluk Treasury.

6th Q. On 6th November 1891 Venkatnarain Chetty
died.

7th Q. On 23rd November 1891, prohibitory notices
were issued from the Taluk Cutcherry in respect
of the land and money secured by the 17 documents
delivered

delivered on 16 December 1890 and the 4 documents delivered on the second occasion and also as regards the rent of the house given on the latter occasion.

3rd April 1892 Sibba Chetty adopted son of Ponnambalam Chetty, addressed to the Auditor for the return to him of Veena Subramania's bond for (Rs 3000) and Kalyani Sowdas bond for (Rs 2000) and of the house at Periyapallam on an allegation that they were not included in the list, dated 16 December 1890, of property handed over to the Government and had not been given to the Government. The Auditor thereupon ordered as follows:—

"The second two documents not having been "made over to Sinnar for the time till the temple "notices should not have issued (regarding them). The "documents should be returned to Mrs Sibba Chetty. "House is not in our possession. The notice is hereby cancelled."

On this Proceedings, on the same day, the Auditor returned to Sibba Chetty

(1) Veena Subramania's bond, dated 15 April 1891 for Rs 3000/.

(2) Kalyani Sowdas bond, dated 20 March 1891, for

For Rs. 250 with Thatie Govdas

Indemnity bond in respect of the sauce.

10th Ely. The Amildar followed up his action as above by a report dated 20th May 1892 to the Sub Division Officer, recommending Tibba Chetty's offer to take back the 17 documents delivered on 16th December 1890 and keeping in lieu of them Rs 12,500/- which could be invested in the Government Savings Bank. This report did not mention that the House and Veena Subbamma's and Kalyane Govda's bonds had been returned on 13th April 1892;

and 11th Ely, Tippa Chetty received from Veena Subbamma on 25th August 1892 interest upto date and also Rupees 1000/- out of the principal. He is also reported to have sold the House to the tenant Ranjappa since the Amildar's order of 13th April 1892.

3. The foregoing facts give a very unfavourable complexion to the Amildar's conduct in returning to Tippa Chetty Veena Subbamma's and Kalyane Govda's bonds which were in deposit in the Treasury, and in cancelling the prohibitory notice of 23rd November 1891

which

which had been entrusted to the Council of the House.

Her explanation is that the endowment trust of 16 December 1890 did not include these items of property and that she did not know at the time that they formed part of the endowment. Assuming that her explanation is honest, it is nevertheless not to be able to acquit her of very gross carelessness and a culpable neglect of his ordinary duty. From the one single fact that the items of property in question were not in the list of 16 December 1890, she seems to have come to the conclusion that the Government had no right to keep them. Any man of common sense and ordinary prudence would have thought it necessary to enquire how, when and why came to be in the Government treasury. For a Government treasury, the bonds is surely not a place into which stray items of property with which Government have no concern find their way. When Sippa Chetty made the extraordinary allegation that the items of property in question had never been delivered to the Government, it would have occurred to any reasonable man to call upon him

them to account to the Government coming to the possession of them; that the Amildar dispensed with all such enquiry and was content to accept the fact that the list of 16th December 1890 did not include the property in question as sufficient confirmation of Ibba Chetty's allegation of non-delivery to Government, that a list showing the delivery of the property in question to the Deputy Amildar on the second occasion was not forthcoming; and that the Amildar was unaware of its having been in existence is pleaded in justification of the Amildar, but this plea is utterly of no value under the peculiar circumstances of the case. A list or deposition from Venkatnaraw Chetty is of importance only as evidence of the voluntary gift by them of the property in question as part of the endowment. But what can be better evidence upon this point than the express recitals in the documents themselves which show that the money secured by

actually

actually belonged to the temple and not to the personal estate of Ishwar Nathaniel Chetty of which this heirs could claim. When these recitals in the documents were pointed out to the Auildar by the Diwan, he pleaded that he was ignorant of them - or he had not taken the trouble to examine the documents he was returning. He further pleaded that he did not even know the dates of their execution - for, it is evident, had he known these dates, he should also have known that they were all executed long after 16th December 1890, that they could not possibly have been included in the list of the last mentioned date, that they must have come into Government possession at some subsequent date, that there must be some good reason for their thus coming into the possession of the Government and so on. Moreover, it is not clear why an official of the Auildar's experience and intelligence thought it justifiable to disobey in this instance the ordinary rule

rule of Treasurer procedure which prohibits the retiree of anything admitted into a Treasury without the sanction of competent authority.

4 Under such circumstances and after giving the case their best consideration, the Government are compelled to conclude that the Amildar's conduct in returning to Ibba Chetty the deeds executed by Venna Subbanna and Kalyané Jeeda and in releasing to Ibba Chetty, Savor the House at Seringapattam, was the result either of a desire to help Ibba Chetty at the expense of the temple, or of the want of that degree of Common Sense and prudence which the Government has a right to expect on the part of its Officers. If there was the desire to help Ibba Chetty and thereby cause an unlawful gain to him or unlawful loss to the temple, then the Amildar's conduct would be distinctly dishonest. If there was merely

the

the want of prudence and common sense on his part, that would make it inexpedient to entrust him any longer with any responsible public duty. The Government are willing to believe that there was no actual dishonest intention on his part, but they are unable to retain him any longer in the public service with the facts which have been proved against him. And having regard to his long service extending over 30 years and his general reputation for honesty and efficiency, they resolve to retire him on pension with effect from the date of his suspension.

5. The Government much regret that there has been such grave misappropriation as has been brought to notice in this case in respect of funds entrusted to them for the maintenance of a religious charity. The Founder placed the management in the hands of Government, in order, as he put it, "that the charity founded by "him might not fail through the mismanagement of "his heirs". He apparently feared misappropriation by his adopted son Thippa Chetty, from whom he had long been divided, and accordingly took the precaution of placing the funds of the charity in the hands